THE BUREAUCRATISATION OF GRACE: A FOUCAULDIAN ANALYSIS OF SANCTUARY AT DURHAM CATHEDRAL

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For Annette

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DURHAM CATHEDRAL SANCTUARY KNOCKER

On The Choreography of the Sanctuary Ritual at Durham Cathedral:

Power has its principle not so much in a person as in a certain concerted distribution of bodies, surfaces, lights, gazes, arrangements.
(Michel Foucault. 'Discipline and Punish')

Chapter 1
Introduction

On Durham Cathedral being simultaneously a House of God and a holding cell for murderers:

The heterotopia is capable of juxtaposing in a single real place several spaces, several sites that are in themselves incompatible.
(Michel Foucault 'Of Other Spaces')

The concept of sanctuary, or ecclesiastical asylum, has deep roots in ancient legal traditions, including those of Mosaic and Roman law, which affirmed the right of individuals facing threats, especially death or imprisonment, to seek temporary refuge within a sacred space (Shoemaker, 2011). This philosophical core—offering protection to the vulnerable—was recognized by various ancient cultures, including the Egyptians, Greeks, and Hebrews, with the Judeo-Christian tradition formally establishing Old Testament cities of refuge. The Christian Church later inherited and formalized this tradition as a moral and legal duty to offer hospitality and mercy (Shoemaker, ibid).

As Christianity expanded across the Roman Empire, the right to asylum was formally codified. The Theodosian

Code, 438 AD (Codex Theodosianus), included specific laws and guidelines on sanctuary, though it initially imposed restrictions, typically denying the right to public debtors, state defrauders, and those guilty of heinous crimes. This restriction was later relaxed by Church authority; the Council of Orleans in 511 AD stipulated that asylum could be granted to anyone who sought refuge in a church or on church property, even extending protection to those accused of capital offences, reflecting the Church's universal demand for mercy (Council of Orleans).

The underlying rationale for sanctuary was two-fold. Firstly, it was seen as an act of mercy, granting the accused a chance to repent. Secondly, it served a vital social function by allowing a critical period for tempers to cool after an act of violence. By offering a safe haven, the Church provided time for private compensation or judicial settlements, effectively helping to prevent immediate violent reprisals or the escalation of blood feuds, thus acting as a crucial counterbalance to the finality of secular justice (Shoemaker, Ibid; McSheffrey,

2017).

Early English law quickly affirmed the right of sanctuary. The laws of Ina, King of the West Saxons, dating back to 693, stipulated that a person accused of a capital offence who fled to a Church should have their life spared, provided they offered compensation according to justice. The act of claiming this right in medieval English common law was often symbolized by touching a specific ornamental object affixed to the church, such as the famous sanctuary knocker at Durham Cathedral, which immediately granted the fugitive immunity from immediate arrest.

While widely available, sanctuary was not indefinite. The English tradition established a formalized procedure where the fugitive had a set amount of time—typically 40 days—to decide their fate. They could choose to face trial after tensions had subsided, or they could choose to permanently leave the realm, a process known as abjuration, which involved confessing their crime and swearing an oath of exile. This provided a pathway out

of immediate execution.

In the Middle Ages, churches across the land offered temporary sanctuary, but institutions housing the shrines of sainted figures, such as St. Cuthbert, possessed privileges that were considered especially protective. This is evidenced by the existence of stone frith-stools, or sanctuary seats, at places like Beverley in Yorkshire and Hexham in Northumberland. The profound privilege at Durham was uniquely and directly linked to the presence and the spiritual power of St. Cuthbert's body.

The historical roots of Durham's privilege are highlighted in Bede's Life of St. Cuthbert. Saint Cuthbert, near death, intentionally chose to be buried on the island of Farne rather than Lindisfarne, offering a practical reason: he foresaw that his resting place would become a sanctuary for fugitives and evil doers, which would cause his followers great effort in defending those who fled to him. This demonstrated his proactive desire to establish a place of refuge.

Sanctuary's importance at Durham is well-documented through dramatic historical accounts. The earliest recorded instance occurred between 740 and 758, when Offa, a member of the royal family, fled persecution to St. Cuthbert's body, though he was forcibly removed and killed. Later, a more successful claim saw Edred, a murderer, stay peacefully under the Saint's protection for three years, even farming land lent by the bishop. However, sanctuary at Durham was not always respected: the death of a soldier named Barwith, who was miraculously struck down after attempting to violate the locked church doors, demonstrated the fierce defence of the privilege, while another account details an armed intrusion where a protected man was fatally wounded at the shrine (Boyle, 1892: 259-261).

The procedure at Durham shortly before the Reformation is detailed in the Rites of Durham (Fowler, 1903; Harvey and Rollason, (eds.), 2020). When an offender reached the north church door and knocked, the monks in the chambers above the door were alerted, and the fugitive was let in. The monks immediately rang

the Galilee bell to signal the claim. (However, McAleer, (2001), challenges the record of the monks' chambers). Once inside the cathedral the refugee was provided with a black gown marked with a yellow St. Cuthbert's cross on the shoulder. The refugee remained in the cathedral for 37 days, receiving necessities at the house's cost. This specific 37-day duration, confirmed by Kings Guthred and Alfred, established a uniquely long period of protected peace before the Prior and Convent would attempt to convey the offender out of the diocese.

The requirement to wear a distinctive black gown marked with a yellow St. Cuthbert's cross was not merely an act of charity, but a mechanism of visibility. It marked the fugitive as a distinct subject—separate from the monks and the laity—placing them under a specific regime of observation for the duration of their 37-day stay.

From 1464 to 1524, a detailed register, *Sanctuarium Dunelmense et Sanctuarium Beverlacense*, was maintained by the monks. It recorded the name, abode, crime, date,

and place of offence for every person claiming sanctuary. These records, later abstracted by Raine (1837), represent a significant shift towards administrative rigor. By meticulously capturing the details of the crime, the cathedral began to function almost as a bureaucratic extension of the legal system, capturing the fugitive in writing even as they protected them physically. The Latin entries frequently mention the ringing of the Galilee bell, to signal to the entire local population, the plea for sanctuary, underscoring the structured, ritualized nature of the process. This valuable register provides an extensive picture of pre-Reformation society, demonstrating the frequent use of the privilege and the array of crimes it covered.

An illustrative example of a refugee is the case of Colson (1497), which reveals the complex choreography between Church and State. On May 13th, Colson fled to the cathedral after being "detected in the act of theft" and escaping prison. The entry records that he stood near the Choir door of St. Cuthbert and requested a coroner. Crucially, the record shows the immediate

involvement of secular authorities within the sacred space:

> "John Fuket, coroner of the ward of Chester... came to him, and to him the same Colson confessed the felony; he taking corporal oath to abandon the kingdom of England, and leave it with all the speed that he conveniently could, and never to return to it."

Following this confession, the entry details a specific ritual of divestment. Colson was commanded to strip off his clothes "even to his shirt" and deliver them to the sacristan. The black gown was then put on. Once this submission was made, the sacristan "graciously returned" the ornaments to him. This act symbolized the transfer of the fugitive's body from secular ownership to the temporary care of the Saint.

Finally, Colson was delivered back to the secular authorities—specifically the High Sheriff, Ralph Bows—to begin his exile. The register notes the final visual marker of his status

> "Afterwards the said Colson retired from the church... and was passed from one party of constables to another carrying a white cross made of wood... being led to the nearest seaport, in order there to take a ship, and never to return."

These records reveal a diverse population of seekers. As Raine notes in his analysis of the register, a number being prison-breakers; about the same number burglars; and some only asking sanctuary from the claims of their creditors (Raine, 1837).

While these historical accounts and registers provide a rich description of the *procedure* of sanctuary, they leave open a critical question regarding its *nature*. How did an institution rooted in divine mystery and miraculous protection, as seen in the early cases of Offa and Barwith, evolve into the highly regulated, bureaucratic system evident in the Colson case?

The following chapters will apply a Foucauldian lens to this transformation, arguing that the detailed recording

and regulation of sanctuary seekers—as preserved in the *Sanctuarium Dunelmense*—marked a shift from Pastoral protection to Disciplinary control, a shift that ultimately rendered the institution vulnerable to state abolition.

Chapter 2
Literature Review

On the transition from the Prince-Bishop's rule to the modern state:

Government is the right disposition of things, arranged so as to lead to a convenient end.
*(*Michel Foucault 'Security, Territory, Population'*)*

The Legal-Historical Tradition: Sanctuary as a Jurisdictional Problem

The historiography of medieval sanctuary has been dominated by legal positivism, where the institution is viewed primarily as a friction point between the developing Common Law and Canon Law. The seminal works in this field focus on the procedural mechanisms of sanctuary—the coroner, the abjuration of the realm, and the eventual restriction of privilege.

Shoemaker's *Sanctuary and Crime in the Middle Ages* (2011) provides the definitive longitudinal study of this erosion. Shoemaker argues that sanctuary began as a restorative mechanism designed to interrupt blood feuds—a necessary pause in a world of private

vengeance. However, he demonstrates that as the English Crown centralized its monopoly on violence, sanctuary transformed from a social necessity into a legal wrong. Shoemaker's narrative is one of inevitability: as the State grew stronger, it could no longer tolerate a competing jurisdiction that halted the King's justice.

Building on this, McSheffrey (2017) challenges the romanticized notion of sanctuary as a "sacred space." In her analysis of Tudor sanctuary, she reveals a highly secularized, bureaucratic system. She argues that by the late 15th century, sanctuary had become a pragmatic legal loophole used by debtors and felons, heavily regulated by the State. Her work is crucial for demonstrating that the Church was not simply protecting fugitives but was actively administering a parallel legal system involving oaths, fees, and registers. While both these historians provide the essential "what" and "when" of sanctuary's decline, they rarely engage with the deeper sociological "why" regarding the nature of the power being exercised.

The Theoretical Turn: Sanctuary as Governmentality

In contrast to the historians, sociologists studying modern migration have moved beyond legal definitions to analyse sanctuary as a specific modality of power. This theoretical turn relies heavily on the work of Michel Foucault, specifically his distinction between *Sovereign Power*, the right to take life or let live and *Pastoral Power,* the obligation to sustain and improve the life of each individual.

The leading voice in this field is Lippert (2005), who reframes sanctuary through the lens of Foucault's *Governmentality*. Lippert argues that sanctuary is not merely a religious act of charity, but a "rationality of governance." He posits that when the Sovereign State excludes a refugee, the Church steps in with Pastoral Power to fill the void. For Lippert, sanctuary acts as a form of "counter-conduct"—a resistance that does not seek to overthrow the State, but to govern the individual differently, prioritizing salvation and care over punishment and law. This parallels my present

medieval Durham argument—where the Bishop's sanctuary challenged the King's sovereignty.

Furthermore, scholars like Johnson (2013) have utilized Foucault's concept of *Heterotopia* to describe sanctuary spaces. They argue that the cathedral functions as a "counter-site" where time and law are suspended. This spatial analysis suggests that sanctuary is defined not just by legal privilege, but by the physical boundaries that separate the sacred interior from the secular exterior—a boundary marked at Durham by the Sanctuary Knocker and the ringing of Galilee Bells.

Identifying the Gap

Despite the richness of these two traditions, they remain isolated from one another. The historiography is thus divided into two distinct streams: the legal histories of the medieval institution and the sociological analyses of modern refugee movements.

While Shoemaker and McSheffrey have rigorously mapped the legal erosion of sanctuary, tracing how the

centralization of English Common Law suffocated the Church's privileges, they operate largely within a jurisprudential rather than a theoretical framework. Conversely, while Lippert utilises Foucauldian theory to explain sanctuary as a friction between Pastoral and Sovereign power, his work focuses almost exclusively on modern statecraft, leaving the medieval origins of these power dynamics theoretically underexplored.

My study seeks to bridge this disciplinary gap. By applying Lippert's theoretical insights regarding Sovereign and Pastoral power back onto the primary data of the *Sanctuarium Dunelmense*, my research moves beyond a descriptive history of Durham Cathedral. Instead, it offers a genealogical analysis, arguing that the tensions Foucault identified in the modern state were already visible in the 'micro-physics of power' practiced by the monks and sheriffs of medieval Durham. In doing so, it validates Shoemaker's historical conclusions through a new theoretical lens, demonstrating that the bureaucratization of sanctuary was the mechanism of its own undoing.

Chapter 3
Theoretical Framework

On the contrast of the Medieval Bishop, who controlled the territory of the Palatinate, with the Tudor King, who wanted to control the bodies of the subjects:

Sovereignty is exercised within the borders of a territory, discipline is exercised on the bodies of individuals.
(Michel Foucault. 'Security, Territory, Population')

To understand the transformation of sanctuary at Durham Cathedral, it is insufficient to merely chronicle the legal statutes that governed it. Sanctuary was not simply a legal procedure; it was a spatial and political anomaly where two competing forms of authority, the Crown and the Church, collided. To analyse the micro-physics of these interactions, this study adopts a theoretical framework grounded in the work of Michel Foucault, specifically his genealogy of power and his analysis of space.

This chapter outlines the core Foucauldian concepts utilized in this study: Sovereign Power, Pastoral Power, and Heterotopia. It then integrates the work of Lippert (2005) to construct a model of sanctuary as a site of

tension—a pressure cooker—where the obligation to save the soul competed with the right to punish the body. Finally, it operationalizes these concepts, defining how specific details in the medieval registers, such as confessions and bells, will be coded as technologies of disciplinary power.

The Core Concepts

Foucault's body of work provides three distinct lenses through which the medieval sanctuary can be viewed. These concepts describe the competing forces at play at the North Door of the Cathedral.

1.Sovereign Power: The Right of the Sword.

In *Discipline and Punish* (1977), Foucault defines the classical form of power exercised by the monarch as Sovereign Power. This power is defined by its spectacle and its ultimate control over the physical existence of the subject. It is summarized by Foucault as the "right to take life or let live." In the context of medieval England, the Sheriff, the Coroner, and the King represent this power. Their authority is manifested

through the physical seizure of the criminal, the public execution, and the enforcement of the King's Peace. When a fugitive fled to Durham, they were fleeing the "Sovereign" right to vengeance and execution.

2.Pastoral Power: The Obligation to Shepherd

In direct contrast to the King's sword is what Foucault termed Pastoral Power. Originating in Christian theology, this form of power is not focused on territory or law, but on the "flock." In his lectures on *Security, Territory, Population* (1978), Foucault argues that Pastoral Power is defined by:

Salvation: The goal is the spiritual safety of the individual.
Oblation: The shepherd (the Bishop/Monk) is willing to sacrifice for the sheep.
Individualisation: It cares for each individual life uniquely.

This is very relevant to my sanctuary thesis, more so than *Discipline and Punish,* because it explicitly deals with the transition from Territory to Population. Here

Foucault argues that old power, Sovereignty, was defined by control over *territory*—defending borders and granting safety within them. This perfectly describes the Durham Palatinate and the physical boundary of the sanctuary and the "Peace of St. Cuthbert".

Foucault argues that the modern state cares about *population*—managing people as resources such as health, numbers and labour. This explains why Henry VIII abolished sanctuary: he saw abjuration (exile) not as a religious mercy, but as a loss of the strength of the country, that is, loss of population and manpower. He thus, moved from managing a *holy territory* to managing a *productive population*. Conversely, at Durham, the Bishop exercised Pastoral Power. When the sanctuary knocker was raised, the Church asserted a power that claimed the *duty* to protect the life that the Sovereign wished to destroy.

Heterotopia: The "Counter-Site"

If Sovereign and Pastoral powers are the forces, Heterotopia is the space. Foucault (1984) defined

heterotopias as counter-sites — places that exist within society but follow different rules, effectively functioning as a mirror to reality. He specifically identifies sacred places as Crisis Heterotopias: privileged spaces reserved for individuals in a state of crisis; flight, transition, or purification. Durham Cathedral functioned as a temporal Heterotopia. Inside the boundary of jurisdiction, the normal flow of legal time, was suspended. The 37-day limit created a unique pocket of time where the laws of the realm did not apply, and the social status of the fugitive was transformed from felon to penitent.

The Model: The Cathedral as a "Pressure Cooker"

Drawing on Lippert's (2005) analysis in *Sanctuary, Sovereignty, Sacrifice*, this study conceptualizes Durham Cathedral not as a static refuge, but as a dynamic friction point. Lippert argues that sanctuary represents a rationality of governance where Pastoral Power attempts to fill the void left when Sovereign Power excludes a subject (the criminal).

We can visualize this dynamic as a "Pressure Cooker" model:

The Container: The Cathedral (Heterotopia) acts as the vessel.
The External Pressure: The Sheriff and officials (Sovereign Power) exert pressure from the outside, demanding the body of the criminal for punishment.
The Internal Resistance: The Monks (Pastoral Power) exert pressure from the inside, protecting the body to save the soul.
The Subject: The Sanctuary Seeker is caught in the middle.

The resulting tension forces a transformation. As the external pressure of the State grew stronger, through legal centralization in the 15th century, the internal pressure of the Church had to adapt. The Church could no longer simply block the State with "miracles"; it had to adopt bureaucratic methods to manage the pressure. This leads on to the operationalization of the study.

Operationalization: Coding the Medieval Record

To apply this abstract theory to the concrete data of the *Sanctuarium Dunelmense*, I have coded specific elements of the medieval text as manifestations of these powers. This study interprets the administrative details of the sanctuary registers as Disciplinary Technologies—mechanisms used to manage the friction between Church and State.

The following translation guides the analysis:

The Confession as "The Examination"

Foucault argues that power is exercised through the "production of truth." When the register records the minute details of a crime (weapon, date, location), this is analysed not as a religious act of penance, but as a Juridical Examination. The Church is extracting the "truth" of the crime in a manner that mirrors the Sovereign courts.

The Black Gown as "Visibility"

The requirement for seekers to wear a black gown with

a yellow St. Cuthbert's cross is analysed as a technique of Disciplinary Visibility. It marks the subject, separating them from the community and making them easily surveyed by the monks in the watching lofts.

The 37-Day Limit as "Temporal Regulation"

The strict adherence to the count of days is analysed as the imposition of a Disciplinary Timetable, regulating the movement and behaviour of the body (refugee).

The analysis can be extended in Table 1 to assist in turning medieval records into Foucauldian analysis:

Table 1

Data Point in Durham Records	**Foucauldian Concept**	**What to analyze**
The Knock (Entry)	The Threshold of Heterotopia	The exact moment the subject leaves "Sovereign space" and enters "Sacred space."
The Confession (detail of crime)	Production of Truth	Foucault argues power forces us to speak our "truth." The Church required a *full* confession. Does the confession change from "seeking God" to "legal deposition" over time?
The Bell / Robe / Cross	Disciplinary Technology	These are tools of visibility. The seeker is marked/branded so they can be watched.
The "Watchers" (Monks)	Surveillance / Panopticism	The Monks in the watching loft aren't just praying; they are policing. This is Disciplinary Power.
The Sheriff / Bailiff	Sovereign Agents	How often do they try to breach the sanctuary? This measures the strength of the State vs. the Church.

By reading the records through this framework, the shift from vague descriptions in the early period to the hyper-detailed case files of the Tudor period serves as evidence of the "bureaucratisation of grace"—the process by which Pastoral Power adopted the tools of the State to survive, inadvertently paving the way for the abolition of sanctuary.

The concept of "Disciplinary Power"; watching, recording, controlling visibility, is central to my argument about the registers and the black robes. The Panopticon (Foucault, 1977) is the classic visual metaphor for this theory.

Summary

To analyze sanctuary as a lived mechanism of power rather than a mere legal statute, this study adopts a post-structuralist framework grounded in the work of Michel Foucault. Moving beyond the traditional binary of Church versus State, the research utilizes Foucault's concepts of Sovereign, Pastoral, and Disciplinary power to reconceptualize Durham Cathedral. Through this lens, the cathedral is viewed as a site where competing rationalities of government collided, creating a unique space where the management of life, truth, and death was actively contested.

The central tension of the study is defined by the friction between Sovereign and Pastoral power. Sovereign power, represented by the King and Sheriff,

is characterized by the "right of the sword" and the restoration of order through punishment. In opposition, the Church exercises Pastoral power—the obligation to sustain the "stray sheep." Following Lippert, this study frames sanctuary as a form of "counter-conduct," where the Church asserts a rival rationality of governance to protect the "bare life" of the refugee from the State's monopoly on justice.

Spatially and internally, the cathedral functions as both a Heterotopia and a machine of Disciplinary Power. As a Heterotopia, or counter-site, the sanctuary suspends the normal flow of time and law, creating a threshold between the juridical and sacred worlds. However, within this space, the monks utilized disciplinary mechanisms such as the confession and panoptic surveillance. These bureaucratic procedures transformed the spiritual penitent into a documented "case file," shifting the focus from protecting the body to disciplining the soul.

Finally, the study employs a Genealogical approach to

trace the descent of these power relations over time. The overarching hypothesis is that Durham Cathedral evolved from a miraculous site defended by Pastoral power into a rationalized institution defined by Disciplinary power. This shift from the Miraculous to the Bureaucratic effectively aligned the Church's methods with those of the State, paradoxically rendering the institution of sanctuary compatible with, and ultimately absorbable by, the Tudor regime.

Chapter 4
Methodology.

On the sanctuary seeker who, once admitted, is watched constantly:

Visibility is a trap.
(Michel Foucault. 'Discipline and Punish'

To investigate the categories of sanctuary and analyse its evolution as a mechanism of power, my research objective adopts a qualitative, longitudinal case study design. A qualitative approach is essential because the phenomenon of sanctuary cannot be adequately understood through quantitative frequency alone. Sanctuary was not merely a legal statistic; it was a complex social interaction defined by the micro-physics of power (Foucault, 1977). A qualitative lens allows for the deconstruction of the narratives found in the medieval registers, enabling the researcher to interpret the nuances of Sovereign Power; the state's demand for justice, versus Pastoral Power; the church's offer of protection.

Furthermore, the research adopts a longitudinal perspective. By analysing the phenomenon over a long

duration (740–1521), the design facilitates a genealogical analysis. This allows the study to move beyond a static snapshot of medieval law and instead map the trajectory of governance, tracing how the concept of sanctuary shifted from a spiritual privilege to a bureaucratized state instrument. Structurally, this follows Yin's (2018) Single-Case Design with Embedded Units.

1. *The Context:* Medieval England and the tension between Church and State.
2. *The Case:* Durham Cathedral (The Paradigmatic Site).
3. *The Embedded Units of Analysis*: 14 specific incidents of sanctuary seeking, selected for detailed coding.

Case Selection: Durham Cathedral.

The selection of Durham Cathedral as the primary site of inquiry is based on a purposive, information-oriented strategy. Rather than seeking a statistically representative sample of all English churches, this study treats Durham Cathedral as a paradigmatic case (Flyvbjerg,

2006). Durham functions as a prototype; a critical example that sets the standard for the phenomenon. The cathedral was chosen for three specific methodological reasons:

1. *Intensity of the Phenomenon:* Durham possesses a uniquely high density of historical records, most notably the *Sanctuarium Dunelmense*. This archival richness makes it an exemplary case, allowing for a robust identification of the theoretical constructs of sanctuary that would be impossible in less documented parishes.
2. *The "Counter-Site" (Heterotopia):* Geographically, Durham occupied a unique position as a Palatinate, where the Bishop held quasi-regal powers. This intensifies the theoretical conflict between Sovereign and Pastoral power, making the friction between Church and State more visible here than anywhere else in England.
3. *Longitudinal Scope:* The continuity of St Cuthbert's shrine allows for a diachronic analysis spanning from the pre-Conquest era

(740) to the eve of the Reformation (1521). This vast timeframe enables the observation of how sanctuary evolved in response to shifting legal norms, providing a clear window into the gradual encroachment of State sovereignty.

Sampling Strategy: 14 Cases

While the *Sanctuarium Dunelmense* and associated chronicles contain hundreds of entries, analysing every recorded incident is neither feasible nor necessary for a qualitative inquiry. Instead, this study utilizes Purposive Sampling to select 14 distinct cases that serve as strategic research sites (Merton, 1987). Merton argues that for certain types of sociological inquiry, you do not need a large, statistically representative sample. Instead, you should choose a "strategic" sample; a specific case or site, such as Durham Cathedral, that is uniquely rich in data and allows you to investigate a phenomenon in a way that other sites do not. Following Merton, the Durham Sanctuary Register is treated as 'Strategic Research Material.' Its exceptional detail and unique legal status provide a strategic vantage point for

understanding the administration of sanctuary, yielding insights that a broader, less detailed sample could not provide.

The goal of this sample is not to summarize the "average" sanctuary seeker, but to capture the maximum variation of the phenomenon. The 14 cases were selected based on the following stratified criteria:

Stratification by Case Type

To identify the full range of Categories of Sanctuary, the sample includes three distinct types of cases:

1. *Typical Cases:* These represent the "routine" function of sanctuary (e.g., accidental homicide or self-defence). These cases establish the baseline for how Pastoral Power operated in daily life.
2. *Critical Cases:* Incidents involving high-profile political figures or treason. These are critical because they test the absolute limits of the Church's power to defy the Sovereign Power.

3. *Extreme/Deviant Cases: Rare anomalies* (e.g., sanctuary for debt, or breaches where the seeker was dragged out). These outliers are vital for defining the boundaries of the sanctuary "Heterotopia", to show where the protection failed or was refused.

Stratification by Timeline (740–1521)

To satisfy the longitudinal requirement of the research question; Did sanctuary change over time?, the 14 cases are distributed across the study's timeline as follows:

Early Period (c. 740–1200): Selected to demonstrate the "Sacred/Miraculous" phase of sanctuary, where protection relied on the spiritual fear of St Cuthbert.

Middle Period (c. 1200–1450): Selected to show the crystallization of legal procedure and the peak of the Church's institutional power.

Late Period (c. 1450–1521): Selected to illustrate the "Bureaucratic/Disciplinary" phase, focusing on entries

that show increased state surveillance, detailed confessions, and the eventual erosion of the privilege.

Furthermore, this strategy facilitates the triangulation of data sources (Stake, 1995), allowing the research to integrate qualitative analysis of the *Sanctuarium Dunelmense* with architectural evidence; the Sanctuary Knocker, North Door and legal chronicles, thereby providing a 'thick description' (Geertz, 1973) of the administration of mercy that a broader, non-specific survey could not achieve.

The design can, therefore, handle the complexity of human behaviour—such as the difference between a desperate plea of self-defence and a calculated legal manoeuvre, which statistical analysis might miss. It captures the unique, non-replicable features of the case (Geertz; Stake, ibid).

Stake (ibid) focuses on the qualitative and interpretative aspects of research. He distinguishes between "Intrinsic" case studies (studying Durham because Durham is interesting) and "Instrumental" case studies

(studying Durham to understand the broader concept of Sanctuary). The key concept for Stake is "Particularization." The goal is not primarily to compare, but to understand the specific case in its entirety.

The 14 Cases Observed

The following list details the 14 specific cases selected for this study. These cases were chosen using a purposive sampling strategy to illustrate the evolution of sanctuary from a miraculous event to a bureaucratized legal procedure:

Phase I: The Chronicle Cases (Sovereign Conflict)
Source: Symeon of Durham; Boyle (1892).
1. Offa (c. 750s)

- Nature of Offence: Political Treason (Royal Fugitive).
- Narrative: A member of the royal family fleeing King Eadbert. He sought refuge at St. Cuthbert's shrine but was forcibly dragged out and killed. The King subsequently imprisoned Bishop Cynewulf.
- Significance: Represents the Failure of Sanctuary. It demonstrates that in the early period, the Church often lacked the physical power to repel the "Sovereign Sword" of the King.

2. Edred (c. 915)
    - Nature of Offence: Homicide & Abduction.
    - Narrative: The son of Rixincus, Edred, murdered Prince Eardulf and abducted his wife. He lived in sanctuary for three years, farming land lent to him by the Bishop, until eventually dying in battle.
    - Significance: Illustrates Sanctuary as Habitation. Shows that the "Pastoral" role of the Church extended beyond immediate safety to the long-term sustenance and housing of fugitives.
3. Aldan-Hamal (c. 1060)
    - Nature of Offence: Theft, Arson, and Murder.
    - Narrative: A notorious criminal who escaped prison. When the Earl's soldier, Barwith, attempted to breach the church doors to seize him, Barwith was struck by a mysterious arrow and died.
    - Significance: Represents the Active Heterotopia. The space itself acts as a weapon; the "Miracle" defends the boundary that the law cannot cross.
4. The Bishop's Servant (12th Century)
    - Nature of Offence: Homicide.
    - Narrative: A murderer fled to the shrine after killing a servant of the Bishop. Six friends of the victim entered while the monks were at supper and inflicted eleven wounds on the fugitive. The Bishop had to re-consecrate the church due to the bloodshed.
    - Significance: Highlights Contested Space. Illustrates the fragility of the sacred boundary and the intrusion of private vengeance into the cathedral precinct.

Phase II & III: The Register Cases (Discipline & Bureaucracy)

Source: Sanctuarium Dunelmense (Surtees Society).

5. William Hogeson (1464)
    - Nature of Offence: Homicide (Self-Defence).
    - Narrative: A yeoman from York who confessed to killing John Staynton. He specifically claimed the act was committed "in defence of his body."
    - Significance: Demonstrates the Legal Formula. The use of specific legal phrasing suggests the seeker was "coached," marking the professionalization of the sanctuary process.
6. Christopher Holme (1477)
    - Nature of Offence: Homicide (Group Affray).
    - Narrative: Sought sanctuary six weeks after the crime. He confessed to being "in company" with others during the killing.
    - Significance: Illustrates Networked Crime. Sanctuary was utilized as a strategic pause for members of violent groups rather than just lone individuals.
7. Jacob Manfield (1485)
    - Nature of Offence: Murder (Gentry Violence).
    - Narrative: A "Gentilman" who confessed to killing the Rector of Wycliffe with a "Welch Bill" (polearm). He provided the exact date, location, and names of witnesses.
    - Significance: The Production of Truth. Represents the perfection of Disciplinary Power; the confession becomes a forensic tool for the State.
8. Roland Carlyll (c. 1490s)

- Nature of Offence: Murder & Theft.
- Narrative: A Yeoman who killed a man with a wood axe in Lancashire, stole his horse, and rode north to Durham to claim asylum.
- Significance: Durham as a Regional Hub. Demonstrates the cathedral's status as a destination for long-distance fugitives fleeing other jurisdictions.

9. Thomas Wilkynson (1503)
    - Nature of Offence: Homicide.
    - Narrative: Entered sanctuary in August 1503 for a killing committed nearly a year earlier (Sept 1502). He claimed he struck John Rede with a knife in self-defense.
    - Significance: Strategic Delay. The one-year gap suggests sanctuary was a "Plan B" used only when other legal evasion tactics failed.
10. George Byrket (1503 & 1519)
    - Nature of Offence: Recidivism / Homicide.
    - Narrative: Sought sanctuary in 1503 for killing John Robyns. A "George Byrkett" appears again in the records in 1519 for a 15-year-old crime.
    - Significance: The Criminal Class. Sanctuary functioning as a "revolving door" for habitual offenders rather than a one-time spiritual redemption.
11. Nicholas Bowman (1507)
    - Nature of Offence: Homicide.
    - Narrative: Fatally struck Christopher Howston with a sword following an assault.
    - Significance: Familial Networks. Part of the Bowman family unit (see Case 12), illustrating multigenerational use of the privilege.

12. William Bowman (1508)
    - Nature of Offence: Accessory to Murder & Prison Break.
    - Narrative: Son of Nicholas (Case 11). Sought refuge for helping his father kill a different victim and for breaking out of Hexham Gaol.
    - Significance: The State of Crisis. Sanctuary used to escape active incarceration, directly challenging the Sovereign's ability to hold prisoners.
13. Morley & Watkyn (1510)
    - Nature of Offence: Joint Homicide.
    - Narrative: Two men sought sanctuary simultaneously for the shared killing of a man named Personell.
    - Significance: Bureaucratic Efficiency. Confirms the capacity of the Church to process multiple co-defendants simultaneously as a single administrative event.
14. John Wilkynson (1521)
    - Nature of Offence: Debt.
    - Narrative: Sought sanctuary not for felony, but for protection from creditors.
    - Significance: The Economic Tipping Point. The extension of protection to financial liabilities interfered with the capitalist economy, precipitating the institution's abolition.

By analysing these 14 purposively selected units, the study achieves analytic generalization. The patterns found within this diverse microcosm can be generalized

to the broader theoretical dynamics of how medieval power operated within sacred spaces.

Chapter 5
Data Analysis. A Genealogy of Power.

On the Cathedral as a "Heterotopia"- a real place that operates outside normal rules.

There are also, probably in every culture, in every civilization, real places... which are something like counter-sites, a kind of effectively enacted utopia.
(Michel Foucault. 'Of Other Spaces')

The Archive of the Heterotopia

To understand the evolution of sanctuary at Durham, one must first understand the changing nature of the evidence itself. The data for this study is drawn from two distinct eras, representing two distinct modalities of power.

The first era (740–1200) relies on chronicle accounts of Sovereign Conflict. These early records, predating the formal registers, document the violent clashes between kings, earls, and bishops at the shrine of St. Cuthbert. The first recorded instance occurred between 740 and 758 during the reign of King Eadbert, marking the cathedral as a site where earthly power could be contested (Boyle, 1892: 259).

The second era is captured in the Durham Sanctuary Register, *Sanctuarium Dunelmense*. Covering the period between 1464 and 1524, this document represents the bureaucratization of sanctuary. Printed by the Surtees Society, these detailed Latin entries do not describe miracles; they meticulously document the biographical and criminal details of the claimants: names, abodes, dates, weapons, and victims (Raine, 1837; Shoemaker, 2011).

Demographics of the Excluded

Analysis of the register (1464–1524) listing approximately 247 to 293 refugees reveals the specific demographic profile of the sanctuary seeker. The records show that sanctuary seekers were exclusively male. Women were historically excluded from the cathedral precinct due to the exclusionary beliefs associated with St. Cuthbert (Boyle, 1892). In Foucauldian terms, this highlights the biopolitical nature of the space; sanctuary was a technology of power available only to specific bodies.

Homicide formed the overwhelming majority of cases (McSheffrey, 2017). However, the narratives often frame these not as cold-blooded murders, but as accidental deaths, self-defence, or consequences of sudden affray (Fowler, 1903). The "Heterotopia" of the cathedral suspended social class. Claimants ranged from yeomen to those explicitly described as gentilman (sic). uniting them under the single category of the confessing subject (McSheffrey, 2017).

Phase I: The Violent Frontier (740–1200)

Theme: *Sovereign Power vs. Miraculous Intervention*

In this early period, sanctuary is defined by physical force. The Cathedral acts as a fortress against the Sovereign Power of the King or local Earls. The following cases illustrate that protection was maintained not by paperwork, but by the threat of divine retribution.

- **Case 1: The Royal Clash (Offa, c. 750s):** Offa, a member of the royal family, fled to the Saint's body but was forcibly removed and killed. The consequence—King Eadbert seizing

and imprisoning Bishop Cynewulf—demonstrates that in the 8th century, the Church often lacked the physical power to repel the Sovereign sword (Boyle, 1892: 259).

- **Case 3: The Miracle (Aldan-Hamal):** By the time of Earl Tosti, the dynamic shifted. Aldan-Hamal, a "notoriously wicked" criminal, escaped prison and fled to the church. When the Earl's soldier, Barwith, attempted to breach the locked doors, he was struck by a mysterious arrow and died, his grave later emitting a stench of divine displeasure. Here, the "sanctity" of the space acts as an active, lethal defence mechanism against the State (Boyle, 1892: 259-260).
- **Case 4: The Violation (The Bishop's Servant):** Even within the walls, violence intruded. When a murderer fled to the shrine, six friends of the victim entered while the monks were at supper and inflicted eleven wounds upon him. The necessity of re-consecrating the church highlights that the boundary of the sanctuary was fragile and

> constantly contested by private vengeance (Boyle, 1892: 260).

Phase II: The Rise of Discipline (1460–1500)

Theme: *The Production of Truth and the Examination*

By the 15th century, the "Miracle" is replaced by the "Examination." The focus shifts to Disciplinary Power. To enter the Heterotopia, the seeker must now submit to a rigorous process of confession, transforming the spiritual act into a legal deposition.

- **Case 7: The Detailed Confession (Jacob Manfield, 1485):** This entry represents the perfection of the disciplinary mechanism. Manfield, a gentilman (sic), does not just ask for mercy; he provides a forensic account. He confesses to murdering Roland Mebburn, rector of Wycliffe, on roughly January 26th, using a specific weapon: a "wallych Syll" (Welsh bill).

The requirement for witnesses in this case (Vicar Roger Morland and Nicholas Dixon) and specific details proves Foucault's theory of the *aveu* (confession). The Church is no longer just protecting; it is documenting,

using surveillance, and categorizing the subject.

- **Case 5: The Legal Strategy (William Hogeson, 1464):** Hogeson confesses to killing John Staynton "in defence of his body." The prevalence of this phrase suggests that seekers were being coached or knew the legal "magic words" required to secure safety, indicating a professionalization of the sanctuary process (Raine, 1837: 44).

Phase III: The Fractured Sanctuary (1500–1521)

Theme: *The Criminal Class and Economic Conflict*

In the final phase, the system begins to fracture. The records reveal a revolving door of habitual criminals and, crucially, the entry of economic crimes. This overreach likely accelerated the State's move to abolish the institution.

- **Cases 10 & 11: Recidivism and Networks (The Byrkets and Bowmans):** George Byrket appears in records regarding crimes separated by 15 years (1504 and 1519), showing that sanctuary was a long-term survival strategy for

habitual offenders. The Bowman family (Nicholas and his son William) used sanctuary for escalating violence, including prison breaking from Hexham Gaol.

These cases depict sanctuary not as a holy refuge for the penitent, but as a base of operations for a regional criminal class, challenging the State's ability to maintain order.

- **Case 14: The Economic Turn (John Wilkynson, 1521):** Perhaps the most critical case for the institution's demise, Wilkynson sought sanctuary not for blood, but for Debt.

When the Church extended its protection to financial liabilities, it interfered with the emerging capitalist economy of Tudor England. This shifted the conflict from King vs. Bishop to Creditor vs. Church, making the institution intolerable to the rising mercantile class and the State (Raine, 1837: 29).

Chapter 6

The Paradox of Bureaucracy

On the paradox: as England became more "modern" and "legal" in the Tudor/Jacobean era, it had to destroy the ancient "liberty" of St. Cuthbert to impose a uniform discipline.

The Enlightenment, which discovered the liberties, also invented the disciplines.
(Michel Foucault. 'Discipline and Punish')

The Erosion of the Heterotopia

The longitudinal analysis of the Durham registers reveals a fundamental paradox at the heart of the institution of sanctuary. As the administration of St. Cuthbert's shrine became more sophisticated, the institution itself became more vulnerable.

The transition from the chaotic, violent interventions of the 12th century: e.g., the supernatural death of Barwith to the highly bureaucratized examinations of the Tudor period, e.g., Jacob Manfield, signals a profound shift in the nature of power. This chapter argues that the *Sanctuarium Dunelmense* represents a form of bureaucratic capture. By adopting the administrative logic of the

State through recording names, dates, and crimes, the Church inadvertently dismantled the spiritual mystery that protected the sanctuary. They transformed a Sacred Heterotopia as a space outside the law into a Legible Archive, a space regulated by law, prefiguring the institution's abolition.

The Production of Truth: Confession as Intelligence

Foucault argues that power is not just about repression; it is about the "production of truth." In the context of the *Sanctuarium Dunelmense*, the act of confession underwent a radical transformation. In the early phase (Phase I), the seeker fled to the corporal presence of the Saint. The "truth" of their crime was secondary to the physical act of touching the ring or shrine. However, by Phase II (1460–1500), the Church had instituted a rigorous requirement for the confession. This is evident in Case 7 (Jacob Manfield). The entry does not read like a spiritual unburdening of sin; it reads like a police deposition. Manfield is required to state:

The precise date: "26th day of January."

> The location: "Village of Ovington."
> The weapon: "A Welch bill."
> The witnesses: "Vicar Roger Morland and Nicholas Dixon."

By demanding this level of forensic detail, the Church was effectively performing the work of the Sheriff. The confession ceased to be a private transaction between the Sinner and God and became a mechanism for gathering intelligence on criminal networks. In Foucauldian terms, the monks became agents of Disciplinary Power, extracting truth from the subject in a format that was perfectly compatible with the King's courts.

The Trap of Legibility

Scott (1998) and Foucault both argue that for a State to control a population, it must first make that population "legible", that is, visible, recorded, and categorized. The early medieval sanctuary was illegible to the State. It was a dark, mysterious space guarded by miracles and the threat of divine vengeance; as seen in the Aldan-Hamal

narrative. The King could not legislate against a miracle.

However, the creation of the *Sanctuarium Dunelmense* was a trap. By writing everything down, the Church made the sanctuary legible standardisation and regulation. The register, therefore, turned unique human tragedies into standardized entries. Once the sanctuary process was a written list of rules: The knock, the gown, the confession, the 37 days, the King could issue counter-regulations.

By the time of the Tudors, sanctuary was no longer a mystical void where the King's writ did not run; it was merely a procedural loophole. The detailed records of Case 6 (Holme) and Case 12 (Bowman) provided the Crown with data on how sanctuary was being used and abused, allowing Henry VIII to argue that the privilege was rationalized out of existence. The Church had handed the State the very pen used to sign the act of abolition.

The Shift in Subjectivity: From Penitent to Case File

This bureaucratic shift fundamentally altered the identity of the person seeking refuge.

> *The Penitent Sinner and Pastoral Subject*: In the early narratives, the seeker is defined by their desperation and their relationship to the Saint. They are a "soul to be saved."
> *The Criminal Case File and Juridical Subject*: In the later registers, the seeker becomes a "recidivist."

The analysis of Cases 10 & 11 (The Byrket/Bowman network) highlights this shift. These men were not desperate souls seeking redemption; they were habitual offenders utilizing sanctuary as a strategic pause in a life of crime. By documenting their repeat visits and their prison breaking, the register stripped the seekers of their spiritual aura. They were exposed as a criminal class.

This shift in subjectivity was fatal for the institution. It is difficult to argue for the sanctity of a Penitent Sinner, but it is easy to legislate against a Repeat Offender. The

Church's own records provided the proof that these men were not subjects of Pastoral Care, but subjects requiring Sovereign Punishment.

The Economic Tipping Point (Case 14)

Finally, the vulnerability of the institution culminated in the conflict over economic sovereignty. Case 14 (John Wilkynson), seeking sanctuary for debt in 1521, represents the tipping point. While the Crown may have tolerated the Church protecting Life (homicide cases) as a vestige of ancient tradition, the protection of Property (debtors) placed the Church in direct conflict with the emerging capitalist logic of the Tudor State. By shielding debtors, Durham Cathedral was interfering with the flow of credit and commerce. In this moment, the friction between Pastoral Power (protection) and Sovereign Power (law) became unsustainable. The Church was no longer just saving souls; it was obstructing the economy. This overreach, documented in the registers, provided the final justification for the State to dismantle the "Heterotopia" entirely, asserting that no space within the realm should be outside the

reach of the King's law or the King's economy.

Chapter 7
Conclusion: The Bureaucratic Surrender

On the end of Abjuration (exile). The state stopped casting people out (death/exile) and started keeping them to manage/punish them (prison/labour):

The old power of death that symbolized sovereign power was now carefully supplanted by the administration of bodies and the calculated management of life.
(Michel Foucault. 'The History of Sexuality' 'Discipline and Punish')

From Miracle to Procedure

This study set out to investigate the changing nature of sanctuary at Durham Cathedral, categorized through the collision of Sovereign and Pastoral power. The longitudinal analysis of the records, spanning from the 8th to the 16th century, reveals a clear genealogical trajectory: the transformation of sanctuary from a spiritual event into an administrative process.

The early chronicle cases (Phase I: 740–1200) depict the cathedral as a true Crisis Heterotopia (Foucault). In the

cases of Offa and Aldan-Hamal, the boundary of the sanctuary was defended by the physical and the miraculous. The power of the Church lay in its *illegibility*—it was a space where the King's law simply evaporated into a "mystical void."

However, the analysis of the *Sanctuarium Dunelmense* (Phase II & III: 1464–1524) demonstrates a radical shift. By the Tudor period, the mystical void had been filled with paperwork. The cases of Christopher Holme and Jacob Manfield reveal a system obsessed with procedure. The seeker was no longer required to merely touch the ring; they were required to perform a confession of truth, endure the visibility of the black robe, and submit to the surveillance of the Watchers.

The findings indicate that while the *institution* of sanctuary remained, its *function* had fundamentally changed. It was no longer a defiant counter-site to the State; it had become a sub-department of the legal system, processing homicides and debts with a bureaucratic efficiency that mirrored the secular courts.

Theoretical Implications: The Medieval Panopticon

Theoretically, this research challenges the traditional timeline of Michel Foucault's Disciplinary Power. Foucault famously locates the birth of the prison, the clinic, and the surveillance state in the 18th and 19th centuries. However, this study suggests that the micro-physics of power were already visible in the medieval cathedral. The internal mechanisms of Durham's sanctuary constituted a proto-disciplinary apparatus:

> The Gown of St Cuthbert: functioned as a tool of visibility/labelling.
> The Watcher's Loft: functioned as a mechanism of panoptic surveillance.
> The Register: functioned as the case file, turning the human subject into an object of knowledge.

Therefore, this study argues that the Church did not merely offer Pastoral Care. By regulating, timing, and recording the seekers, the Church was arguably the first institution to practice Governmentality on a distinct

population of criminals. The monks were not just shepherds; they were the first wardens.

The Fatal Irony: The Trap of Legibility

The ultimate conclusion of this thesis is that the abolition of sanctuary was not an external assault by the State, but an internal collapse triggered by the Church's own administration. By adopting the tools of the State, records, categories, and legal definitions, the Church fell into the Trap of Legibility through rationalisation and economic interference:

1. Rationalization: By rationalizing the process, e.g., distinguishing between "chance medley" and "murder" in the confessions, the Church accepted the State's logic that justice requires categorization.
2. Economic Interference: By extending this bureaucratic protection to debtors (Case 14), the Church made itself an obstacle to the rational economy of the Tudor state.

In the end, Durham Cathedral lost its power to offer sanctuary not because it was too weak to fight the King, but because it became too similar to him. When the sanctuary seeker stood at the knocker in the 12th century, they were appealing to a Miracle. When they stood there in the 16th century, they were applying for a Procedure.

Once sanctuary became a procedural, written recorded, and regulated, it lost its sacred inviolability. It became just another legal loophole. And legal loopholes can be closed by Parliament. The death of sanctuary was, therefore, inevitable. It was not destroyed by the sword of the Sheriff, but by the pen of the Registrar.

The Triumph of State Sovereignty

Ultimately, the abolition of sanctuary under Henry VIII was not a sudden destruction of a thriving religious practice, but the final consolidation of a monopoly on justice. As the analysis of the 14 cases shows, the Cathedral had already adopted the disciplinary technologies of the State—timetables, surveillance, and

confession. When the State finally abolished sanctuary in the 1540s, it simply closed a loophole. The Church was removed, and the Sovereign assumed total control over the life, death, and punishment of the subject. The Heterotopia of Durham was dissolved, and the uniform legal space of the nation-state was established.

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Appendix A

The entries in the register *Sanctuarium Dunelmense et Sanctuarium Beverlacense* are very repetitive. Once you know these key words, you can skim the pages and spot the interesting details immediately.

Latin Term	English Meaning	Why it matters
Petiit	Asked for/Sought	Usually follows the seeker's name. "He asked for immunity."
Immunitatem	Immunity/Sanctuary	The core legal request.
Percussit	Struck/Hit	The action word. Tells you who hit whom.
Occidit	Killed	Confirms the victim died (murder/manslaughter).
Felonice	Feloniously	Indicates a serious crime, not an accident.
In se defendendo	In self-defence	The seeker is claiming they had no choice.
Cum	With	Crucial: The word following this is the weapon.
Pugio / Basillard	Dagger	Common personal sidearms.
Baculo	Staff / Stick	Common tool, implies impulsive violence.
Gladius	Sword	Implies a soldier or wealthier individual.
Venter / Pectus	Stomach / Chest	Tells you where the wound was inflicted.

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Beyond his professional endeavours, McManus is an accomplished artist and writer. His pen and wash artwork, such as "Rocket Corner, Market Place, Durham City" and "St. Godrics Church from Neville Street", showcases his deep connection to his hometown. As an author, he has contributed to historical sociology with his book "The Palatinate, The Peninsular and The Slum: The Science of Police in Victorian Durham," published in 2024, which explores policing in Victorian Durham. He has a keen interest in Irish Historical studies, especially the Irish in Britain in the Nineteenth Century. He has written accordingly, "From Townland to Township: The Complex Evolution of a Famine Irish Community in County Durham". Also, his 2023 poetry collection, "Shout it out!: Well-versed reflections and images," reflects his artistic and literary talents. McManus holds a BA (Hons) from the University of Northumbria, a PhD from Durham University and a Postgraduate Certificate in Education and Learning from Durham University. He is married to Annette, and they live in Durham City.